

REMARKS

The present Amendment amends claims 20, 21, 30-32, 36, 51, 56 and 61 and leaves claims 19, 22, 24, 26-29, 33-35, 37-45, 47-50, 52-55 and 57-60 unchanged. / pen 19-22, 24 and 26-61.

Claim 61 stands rejected under 35 use §102(b) as being anticipated by Baik (U.S. Patent No. 5,773,804); claims 19-22, 24, 28, 32-35, 39, 41 and 45 stand rejected under 35 use §103(a) as being unpatentable over Halpern (U.S. Patent No. 4,906,828) in view of Nagata (U.S. Patent No.5, 140,517) in view of Takeuchi (U.S. Patent No. 4,963,722) in view of Kolls (U.S. Patent No. 5,637,845) and further in view of the Los Angeles Times article entitled "Transportation: Promoters Hope Advertising and Marketing Gimmicks will Steer Freeway Drivers to the Region's First Pay as You Go Highway" and further in view of Baik; claim 26 stands rejected under 35 use §1 03(a) as being unpatentable over Halpern in view of Gaumet (U.S. Patent No. 5,640,306) in view of Kolls, the LA article and further in view of Baik; claim 38 stands rejected under 35 use §103(a) as being unpatentable over Halpern in view Gaumet in view of Kolls as well as the LA article; claims 27, 30, 31, 36, 43, 46, 48, 51, 53, 56 and 58 stand rejected under 35 use §103(a) as being unpatentable over Halpern in view of Takeuchi, Kolls, the LA article and Baik; claims 29 and 42 stand rejected under 35 use §103(a) as being unpatentable over Halpern in view of Takeuchi in view of Kolls, the LA article and Baik; claims 37, 47, 52, 57, 49, 54 and 59 stand rejected under 35 use §103(a) as being unpatentable over Halpern, in view of Nagata, in view of Takeuchi, in view of Kolls, the LA article and Gaumet; claims 43, 48, 53 and 58 stand rejected under 35 use §103(a) as being unpatentable over Halpern in view of

Takeuchi, Kolls, the LA article and Baik; and claims 22 and 40 stand rejected under 35 USC §103(a) as being unpatentable over Halpern in view of Nagata, Gaumet and Kolls and the LA article. These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 19-22, 24 and 26-61 are not taught or suggested by Halpern, Nagata, Takeuch, Kolls, the LA article, Gaumet and Baik whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Numerous arguments were presented regarding the distinguishing features of the present invention in the December 11, 2002, September 24, 2003, March 30, 2004 and September 29, 2004 Amendments. The contents of the Remarks of each of these Amendments are incorporated herein by reference.

In the present Amendment, the claims were amended so as to more clearly recite that the electronic purse loan off-line device and the IC card forms a part of and are used in a system including the electronic purse loan off-line device, the IC card, a bank or center which provides a loan of an amount of money to the user of the IC card and a commercial product or service provider that manages a commercial transaction with the user of the IC card.

Further, the claims were amended to more clearly recite that the IC card stores information in a rewritable memory including a balance information storage which stores electronic money information representing a balance of the loan and a loan information storage which stores information

representing a loan and information regarding the loan including an upper limit of the loan, transactions using the loan, dates of the transaction and repayment terms of the loan.

Still further, the claims were amended to more clearly recite that when payment of a commercial transaction is performed, the payment is conducted in an off-line manner without being connected to the bank or center from which the loan has been obtained.

Thus, according to the present invention an electronic purse off-line device and an IC card is provided so as to allow the user of the IC card to conduct commercial transactions using a previously obtained loan in an off-line manner without having to connect to the bank or financial center which provided the loan to the user of the IC card contrary to the way in which credit cards are used. As is well understood by those of ordinary skill in the art any payment transactions conducted using a credit card must be performed while the credit card is inserted in apparatus which connects directly to the bank or the financial center which issued the credit card. Therefore, as understood, payment using credit cards are conducted on-line.

The present invention is intended to overcome the requirement for on-line processing of payments as required by credit cards by storing into the IC card information regarding a loan which has been previously granted to the user of the IC card by the bank or financial center. The user can then present the IC card in any setting so as to conduct payment transactions of goods or terminal in services without the provider of the goods or services having payment or authorization of the transaction from the bank or financial center in an on-line manner as with credit cards.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other.

In the Office Action the Examiner alleges that:

“Applicant argues in substance that, on page 17, an IC card can be used in off-line manner without the use of a bank or financial center that provided a loan to the IC user”.

In response to the above arguments, the Examiner states that:

“The Examiner responds that a credit card is functionally equivalent to an IC card that has a loan in the form of a cash advance against a non-loan bank. See Abstract of Nagata”.

From the above incorrect allegation by the Examiner, it is quite apparent that the Examiner has not fully understood the features of the present invention nor has the Examiner properly considered all of the limitations as recited in the claims as required by MPEP §2141.02, specifically the portion entitled “The Claimed Invention as a Whole must be considered” and the portion entitled “Distilling the Invention Down To A ‘Gist’ or ‘Trust’ of an Invention Disregards ‘As A Whole’ Requirement”. The Examiner’s attention is directed to the above noted MPEP section and the case law cited therein.

In the above noted incorrect allegation by the Examiner, the Examiner even disregards his own statement as to Applicants’ arguments and the features recited in the claims. The important fact that has been continually argued is that the present invention provides an IC card which performs

transactions in “off-line” which is well understood by those of ordinary skill in the art as not being equivalent to the on-line operation and use of a credit card. A credit card cannot perform any payment transactions without seeking the authorization of the bank or financial center on-line. This seeking of authorization is always performed “on-line” not “off-line” as recited in the claims. Thus, the above mis-guided allegation it is quite clear that the Examiner has not made a *prima facie* case of anticipation or obviousness relative to the features of the present invention as recited in the claims since the Examiner continues to rely upon references that disclose on-line transactions being performed using credit cards.

Even beyond the above, there is no teaching or suggestion in any of the references particularly Halpern, Takeuchi, Kolls, the LA article, Nagata, Gaumet and Baik of the above described features of the present invention as now more clearly recited in the claims. Specifically, there is no teaching or suggestion in either of these references that the electronic purse loan off-line device is used in a system including the electronic purse loan off-line device, the IC card, a bank or center and a commercial product or service provider as in the present invention. Such a system is important being that the claims clearly recite that there is no connection established with the bank or center when a payment of a commercial transaction with the commercial product or service provider is performed. The payment of the commercial transaction is performed in off-line. Such features are clearly not taught or suggested by the references of record.

Thus, each of Halpern, Takeuchi, Kolls, the LA article, Nagata, Gaumet and Baik fail to teach or suggest an electronic purse loan off-line device or an

IC card for use in a system including the electronic purse loan off-line device, the IC card, a bank or center which provides a loan of an amount of money to the user of the IC card and a commercial product or service provider that manages a commercial transaction with the user of the IC card and that payment of the commercial transaction being made between the user of the IC card and the commercial product or service provider is performed off-line without being connected to the bank or center as recited in the claims.

Further, none of the references of record teach or suggest that the IC card uses rewritable memory and such memory includes various storage areas for storing different information regarding the loan including a balance information storage which stores electronic money information representing a balance of the loan and a loan information storage which stores information representing a loan and information regarding the loan including an upper limit of the loan, transactions using the loan, dates of the transactions and repayment terms of the loan as in the present invention. According to the present invention, such information being stored in different storage areas allows for the IC card to be used in off-line relative to the bank and center. The information stored in the different storage areas also allows the tracking of the remaining amount of the loan after transactions are performed and the tracking of the different transactions that were performed and the dates of such transactions. Such features are clearly not taught or suggested by any of the references of record.

Thus, each of Halpern, Takeuchi, Kolls, the LA article, Nagata, Gaumet and Baik fail to teach or suggest that the information is stored on the IC card in rewritable memory including a balance information storage which stores

electronic money information representing a balance of the loan and a loan information storage which stores information representing a loan and information regarding the loan including an upper limit of the loan, transactions using the loans, dates of the transactions and repayment terms of the loan as recited in the claims.

Therefore, as is clear from the above, each of the references of record, namely Halpern, Takeuchi, Kolls, the LA article, Nagata, Gaumet and Baik, suffers from the same deficiencies relative to the features of the present invention as recited in the claims and as such combining these references in the manner as suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the various rejections of the claims under 35 USC §102(b) and 35 USC §103(a) is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 19-22, 24 and 26-61.

In view of the foregoing amendments and remarks, applicants submit that claims 19-22, 24 and 26-61 are in condition for allowance. Accordingly, early allowance of claims 19-22, 24 and 26-61 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.34746CX1).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to be 'C. Brundidge', written over a horizontal line.

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